

Remarks

Reconsideration of this Application is respectfully requested.

Claims 12, 14, 15, and 23 are pending in the application, with claim 12 being the independent claim. Claims 12 and 23 are sought to be amended for clarity. Applicant reserves the right to prosecute similar or broader claims with respect to any cancelled or amended claims, in the future. Claim 15 has been withdrawn from consideration, and is sought to be reinserted into the application upon allowance of generic claim 12.

These changes are believed to introduce no new matter, and their entry is respectfully requested.

This response is asked to be entered after final as the amendments are only directed to clarification. Thus, the same issues previously argued by Applicants in the Responses of January 5, 2009, and April 22, 2009, and which were inherently recited in the previously pending claims, based on Applicant previous arguments, and thus previously examined, are presented for reconsideration. No further search is required by the Examiner. Also, Applicants believe this application should be in better condition for allowance and/or appeal after this response is entered.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Advisory Action of May 8, 2009, and Rejection under 35 U.S.C. § 102 over Getchel

Claims 12, 14, and 23 were finally rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,375,176 to Getchel *et al.* ("Getchel"). Applicant respectfully traverses this rejection.

The Advisory Action states:

Applicant argues that the heater coils of Getchel are NOT the same as the claims "expandable annular tube coupled to the wafer chuck and configured to expand the wafer chuck" as recited in claim 12. In response, while the Examiner respectfully agrees with Applicant, it is respectfully disagreed with regards to the recited language of claim 12 which does NOT specifically or directly require the annular tube to cause an expansion to the wafer chuck through heating. Rather, claim 12 merely requires the use of an expander (which comprises an expandable annular tube coupled to the wafer chuck) to expand the wafer chuck. Thus, Getchel anticipates the claim by disclosing an expander 532 (which comprises an expandable annular tube 580 coupled to the wafer chuck 533) to expand the wafer chuck 533 (using heater coils).

Without acquiescing to the Examiner's statements for rejection, for other reasons, and in order to expedite prosecution, Applicant has amended independent claim 12. Claim 12, as amended, recites a system configured to reduce wafer slipping, comprising:

a wafer chuck configured to receive a wafer; and
an expandable annular tube coupled to the wafer chuck and configured to expand the wafer chuck without substantially expanding the wafer, such that an initial stress at an interface between the wafer and the wafer chuck is created.

Independent claim 12, as amended, is patentable over Getchel because Getchel does not expressly or inherently disclose "an expandable annular tube coupled to the wafer chuck and configured to expand the wafer chuck." *See Verdegaa Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.").

The Advisory Action admits that the heater coils of Getchel are used to expand the wafer chuck 533, not the circulating tubes 580. Further, the Advisory Action admits

that the heater coils of Getchel are not the same as "an expandable annular tube coupled to the wafer chuck and configured to expand the wafer chuck," as recited in claim 12. Therefore, Applicant maintains that Getchel does not anticipate claim 12 because Getchel fails to disclose this element of claim 12.

Moreover, Applicant asserts that Getchel teaches away from the claims. The circulating tubes of Getchel are specifically designed to cool (and therefore cause thermal contraction to) the wafer chuck. This alone would teach the skilled person away from Getchel to meet the pending claims. See *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 at 416 (2007) ("[W]hen the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious." (Citing *United States v. Adams*, 383 U.S. 39, 51-52 (1966)); *Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc.*, 796 F.2d 443, 230 U.S.P.Q. 416 (Fed. Cir. 1986) (stating that a reference should be considered as a whole, and portions arguing against or teaching away from the claimed invention must be considered); and *In re Gurley*, 27 F.3d 551, 31 U.S.P.Q.3d 1130 (Fed. Cir. 1994) ("A reference may be said to teach away when a person of ordinary skill, upon reading the reference, ...would be led in a direction divergent from the path that was taken by the applicant.")).

Therefore, Getchel does not anticipate claim 12, as amended, because Getchel fails to disclose each element of claim 12. Dependent claims 14 and 23 are likewise patentable over Getchel for at least the same reason as independent claim 12 from which they depend, and further in view of their own respective features. Accordingly, Applicant respectfully requests that the rejection of claims 12, 14 and 23 be reconsidered and withdrawn.

Also, Applicant asserts the dependent claims 14 is patentable over Getchel in view of its additional combination of distinguishing features.

For example, at least, among other features, the "wherein said annular tube is coupled to an outer edge of said wafer chuck" feature recited in claim 14 is not disclosed by Getchel.

The Final Office Action of April 3, 2009, on page 3, relies on FIG. 11A and tube 580 of Getchel to allegedly reject the above-noted feature of claim 14. Applicant respectfully disagrees. Getchel FIG. 11A illustrates and column 17, lines 61-65, disclose that the tube 580 is included in a heat sink/heater assembly of a chuck. In contrast to teaching of Getchel that included the tube in the chuck, claim 14 recites, among other features, "wherein said annular tube is coupled to an outer edge of said wafer chuck."

Request for Reconsideration of Non-Elected Claims/Species Restriction

The Office Action of April 3, 2009, states, "[C]laim 15 remains withdrawn from further consideration as being directed to a non-elected invention." (Office Action of April 3, 2009, page 2). Applicant asserts that at least claim 12 is an allowable generic claim. This was addressed previously in the Reply to Requirement for Election of Species filed March 10, 2006. Claim 12 is generic to claim 15. Since claim 12 should now be found allowable, claim 15 should be brought back into the application and found allowable, at least based on its dependency to claim 12. (See M.P.E.P. §809).

Reconsideration and withdrawal of the election of species requirement is respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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